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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,714	10/17/2003	Kyle Brown	RSW920030135US1	4641
23307	7590	12/06/2007	EXAMINER	
SYNNESTVEDT & LECHNER, LLP			AIRAPETIAN, MILA	
1101 MARKET STREET				
26TH FLOOR			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19107-2950			3625	
			MAIL DATE	DELIVERY MODE
			12/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/687,714	BROWN, KYLE
	Examiner Mila Airapetian	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Applicant's amendment received on 07/27/2006 is acknowledged and entered.

The applicant has amended claims 1, 10 and 19. Currently, claims 1-27 are pending for examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourad et al. (US 2005/0010494) in view of McClung, III (US 7,107,225).**

#### **Claim 1.**

Mourad et al. (hereinafter Mourad) teaches a method for Internet e-commerce shopping guide comprising:

identifying said one or more commodities using one or more searchable identification parameters [0007], [0050];

monitoring a publicly-searchable, network-accessible databases for acquisition parameters for said one or more commodities using said one or more searchable identification parameters [0050]; and

outputting results of said monitoring step [0050].

Mourad does not teach said publicly-searchable database includes a *plurality* of publicly-searchable databases.

McClung teaches monitoring *all vendors* of identified items (col. 1, line 54), thereby suggesting a “plurality” feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad to include that publicly-searchable database includes a *plurality* of publicly-searchable databases, as suggested in McClung, because it would advantageously allow to obtain the widest possible range of prices to find the lowest price.

Mourad also does not teach defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored.

McClung teaches a computer-implemented method for guaranteeing a consumer a best price on an item including monitoring all vendors of an item for a preset time period (col. 1, lines 37-39; col. 1, lines 54-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad to include defining a monitoring duration during which acquisition parameters for said one or more commodities will be monitored, as disclosed in McClung, because it would advantageously allow a consumer the assurance that the consumer will not buy an item or service and then find out in the near future that the item or service was made available at a much lower price, as disclosed in McClung (col. 1, lines 22-25).

**Claim 2.** Mourad teaches said method, wherein said one or more publicly-searchable databases includes shop-bot sites [0050].

**Claim 3.** Mourad teaches defining an overall duration for conducting said monitoring step; and defining a refresh interval for said monitoring step [0052].

**Claim 4.** Mourad teaches said method further comprising the step of: identifying one or more alarm conditions; and wherein said monitoring step further comprises at least the step of identifying the occurrence of one or more of said alarm conditions [0050].

**Claim 5.** Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an email to a user of said method upon the occurrence of one or more of said alarm conditions [0050].

**Claim 6.** Mourad teaches said method wherein said outputting step comprises at least the steps of: sending an electronic page to a user of said method upon the occurrence of one or more of said alarm conditions [0031].

**Claim 8.** Mourad teaches said method wherein one of said one or more alarm conditions comprises an acquisition parameter reaching a predefined minimum value [0050].

**Claim 9.** Mourad teaches said method wherein said acquisition parameter comprises a sale price [0042].

**System claims 10-15, 17-18** repeat the subject matter of method claims 1-9 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-9 have been shown to be fully disclosed by the teachings of Mourad, and McClung in the above rejections of claims 1-9, it is readily apparent that the system disclosed by Mourad, and McClung includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-9, and incorporated herein.

**Claims 19-24, 26-27** are rejected on the same rationale as set forth above in Claims 1-9.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mourad and McClung teachings, as applied to claim 1, and further in view of Elston et al. (hereinafter Elston) (US 2002/0143655).**

The combination of Mourad and McClung teaches all the limitations of claim 7 except sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions.

Elston teaches a remote ordering system for mobile commerce wherein the notification can be sent by an instant message [0674].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mourad and McClung to include sending an instant message to a user of said method upon the occurrence of one or more of said alarm conditions, as disclosed in Elston, because it would advantageously allow to avoid any delays in delivering time sensitive information.

**System claim 16** repeats the subject matter of method claim 7, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 7 have been shown to be fully disclosed by the teachings of Mourad, McClung and Elston in the above rejections of claim 7, it is readily apparent that the system disclosed by Mourad, McClung and Elston includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 7, and incorporated herein.

**Claim 25** is rejected on the same rationale as set forth above in Claim 7.

***Response to Arguments***

Applicant's arguments filed 07/27/2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that the prior art does not teach monitoring a plurality of publicly-searchable databases, it is noted that McClung was applied for this feature. Specifically, McClung teaches: " ...the host system or other system monitors all vendors of such an item; monitors all vendors of such an item in a pertinent geographic area as defined in the "Business System" patent application"; col. 1, lines 53-57; "... the host system or similar system monitors competitors on a real time basis and provides the consumer at the vendor's location any better price available then..."; col. 2, Lines 19-23, thereby suggesting said feature.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA



Mark Fadok

Primary Examiner